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SUBJECT: EU LEADERS AGREE ON GUARANTEES FOR IRELAND; NEW IRISH VOTE  
ON LISBON TREATY EXPECTED FOR OCTOBER

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¶1. SUMMARY: EU leaders in their June 18-19 European Council meeting painfully agreed on the format of guarantees designed to persuade Irish voters to back the Lisbon Treaty in another referendum. The specific guarantees do not alter the Lisbon Treaty but provide interpretation of it. They basically assure the Irish that nothing in the new treaty will affect the country's legal provisions on ethical and family matters, its ability to determine its own tax regime, or affect Ireland's traditional policy of military neutrality. The deal on the Irish guarantees enables PM Cowen to proceed with plans for a new referendum expected to be held in early October. END SUMMARY.

¶2. EU leaders in their European Council conclusions reaffirmed their wish to see the Treaty of Lisbon enter into force by the end of 2009. Following on their December 2008 meeting, which had noted that concerns of the Irish caused a "No" vote in the June 2008 referendum, the leaders signed off on a series of guarantees as part of an overall package designed to persuade Irish citizens to express a positive vote on the treaty in a second referendum. The leaders recalled their December 2008 decision to the effect that, QUOTE Provided that the Treaty of Lisbon enters into force, the Commission shall continue to include one national of each member state. END QUOTE

¶3. The other concerns of the Irish people relating to taxation, the right to challenge that the new European Council on Workers' Rights and Social Policy" (not legally binding), reaffirming "the high importance" attached by the EU to social progress and the protection of workers' rights, public services as an instrument of social and regional cohesion, the responsibility of Member States for the delivery of education and health services, and the discretion of national, regional and local authorities in providing, commissioning and organizing services of general economic interest.

-- A "national declaration" by Ireland (unilateral statement by Ireland, not binding on EU partners) confirming that the country's participation of the EU foreign and security policy (CFSP) does not prejudice its traditional policy of neutrality, which implies that Ireland is not bound by any mutual defense commitment. Should Ireland ratify the Treaty of Lisbon following a positive vote in the new referendum, this declaration would be associated with Ireland's instrument of ratification.

¶5. A final sticking point that delayed the leaders' agreement on the package until June 19 was the question of whether the guarantees provided by way of the Council Decision would, in time, acquire full treaty status by way of a treaty protocol. The Irish recognized that such a protocol could not be adopted before the Lisbon Treaty comes into force. They insisted, however, on a "clear and unequivocal commitment that, at a future point after the Lisbon Treaty enters into force, the legal guarantees contained in the decision" would be "attached to the EU treaties by way of a protocol." Agreement on the shape of the deal followed an early morning meeting between Taoiseach Brian Cowen and UK PM Gordon Brown, at which the latter indicated that the UK would no longer stand in the way of a reference to a future protocol.

¶6. While reaffirming that the content of the Decision will not necessitate any re-ratification of the Treaty of Lisbon, the leaders stated that they will "at the time of the conclusion of the next accession treaty, set out the provisions" of the Decision in a protocol to be attached, in accordance with their respective constitutional requirements, to the Treaty on European Union and the Treaty on the Functioning of the EU (read: the consolidated EU treaties as they will appear following the entry into force of the Lisbon Treaty).

¶7. Irish PM Brian Cowen told reporters: "I am confident now that we have a solid basis to go to the Irish people and ask them again to ratify the treaty so that Europe can move on. I expect that we

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would be ready to have a referendum in early October." President Barroso opined that the package "gives Irish people all assurances they need." Barroso said he was very confident about the outcome of a new referendum "because the Irish government now has got everything it asked for" to be in "the best possible conditions to explain the exact contents of the Lisbon Treaty."

¶8. COMMENT. The deal on the Irish guarantees is a big relief for PM Cowen. It proved difficult to achieve, but was apparently reached without acrimony (Cowen openly praised Brown for his cooperation). The Taoiseach had candidly exposed his vulnerability on Summit's eve in a letter to fellow EU leaders, which was widely leaked to media. In the message, Cowen strongly underlined the necessity of being able to invoke a Treaty protocol in addition to any legally-binding Decision of the Council to provide him with greater legal certainty. Whether intended or not, the leak revealed how the Irish felt it necessary to take precautions to go back to voters and call another referendum that will soon determine the fate of long-awaited EU Treaty reforms.  
MURRAY#